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5 TEL: (818) 238-5707; FAX: (818) 238-5724  
6 Attorneys for Custodian of Records, Burbank  
Police Department

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8  
9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF LOS ANGELES

11 OMAR RODRIGUEZ; CINDY GUILLEN

Case No.: BG414602

12 GOMEZ; STEVE KARAGIOSIAN;  
13 ELFEGO RODRIGUEZ; AND JAMAL  
CHILDS,

14 Plaintiff,

15 v.

16  
17 BURBANK POLICE DEPARTMENT; CITY  
OF BURBANK; TIM STEHR; KERRY  
18 SCHILF; JAMIE "J.J." PUGLISI; DAN  
YADON; KELLY FRANK; PAT LYNCH;  
19 MIKE PARRINELLO; AARON KENDRICK;  
20 DARIN RYBURN; AND DOES 1  
THROUGH 100, INCLUSIVE.

21 Defendants.  
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RESPONSE OF THE CUSTODIAN OF  
RECORDS, BURBANK POLICE  
DEPARTMENT, TO MOTION FOR  
PRODUCTION OF PEACE OFFICER  
PERSONNEL RECORDS;  
DECLARATION OF CAROL ANN  
HUMISTON; PROPOSED PROTECTIVE  
ORDER

Date: July 22, 2009  
Time: 9:00 a.m.  
Dept.: 37

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RESPONSE OF THE CUSTODIAN OF RECORDS, BURBANK POLICE  
DEPARTMENT, TO MOTION FOR PRODUCTION OF PEACE OFFICER PERSONNEL  
RECORDS

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RECORDS, BURBANK POLICE  
DEPARTMENT, TO MOTION FOR  
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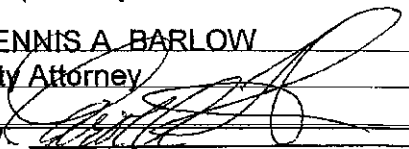
1 TO THIS COURT AND ALL COUNSEL:

2 As the Custodian and the legal holder of the privilege for the peace officer  
3 personnel records of Omar Rodriguez, Cindy Guillen-Gomez, Steve Karagiosian, Elfego  
4 Rodriguez, and Jamal Childs, the City of Burbank has no objection to the release of  
5 these peace officer personnel records to counsel for the individual defendants, subject  
6 to the Protective Order attached hereto as Exhibit 1, based on the good cause  
7 established in the moving papers, which includes the relevance and materiality of the  
8 peace officer personnel records to the allegations in the plaintiffs' complaint.

9 DATED: July 9, 2009

10 Respectfully submitted,

11 DENNIS A. BARLOW  
City Attorney

12 By:   
13 CAROL A. HUMISTON  
14 Sr. Assistant City Attorney  
15 Attorneys for Custodian of  
16 Records, Burbank Police  
17 Department  
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12 GOMEZ; STEVE KARAGIOSIAN;  
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CHILDS,

14 Plaintiff,

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17 BURBANK POLICE DEPARTMENT; CITY  
OF BURBANK; TIM STEHR; KERRY  
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20 DARIN RYBURN; AND DOES 1  
THROUGH 100, INCLUSIVE.

21 Defendant.  
22

Case No.: BC414602

DECLARATION OF CAROL ANN  
HUMISTON RE RESPONSE OF THE  
CUSTODIAN OF RECORDS, BURBANK  
POLICE DEPARTMENT, TO MOTION  
FOR DISCOVERY OF PEACE OFFICER  
PERSONNEL RECORDS

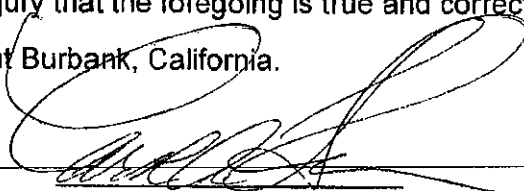
Date: July 22, 2009  
Time: 9:00 a.m.  
Dept.: 37

23 I, Carol Ann Humiston, declare that:

- 24 1. The facts stated herein are personally known to me and I have first-hand  
25 knowledge thereof. If called upon to do so, I would and could competently testify  
26 hereto under oath.  
27 2. I am the Senior Assistant City Attorney for the City of Burbank. In my position, I  
28 handle all motions for discovery of peace officer personnel records.

1 3. I have consulted with the Custodian of Records for the Burbank Police  
2 Department regarding the defendants' Motion for Discovery. Based on the  
3 content of the Motion having established good cause, coupled with the access  
4 that has been granted to counsel for the City of Burbank and the Chief of Police  
5 in defending the plaintiffs' Complaint, the Custodian of Records has no objection  
6 to the release of these records, subject to the Protective Order attached hereto.

7  
8 I declare under penalty of perjury that the foregoing is true and correct and  
9 executed this 9<sup>th</sup> day of July, 2009, at Burbank, California.

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11 \_\_\_\_\_  
Carol Ann Humiston

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# **EXHIBIT 1**

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8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**  
10

11 **OMAR RODRIGUEZ; CINDY GUILLEN-**  
12 **GOMEZ; STEVE KARAGIOSIAN;**

Case No. BC414602

13 **ELFEGO RODRIGUEZ; AND JAMAL**  
14 **CHILDS,**

15 **Plaintiff,**

16 **v.**

17 **BURBANK POLICE DEPARTMENT; CITY**  
18 **OF BURBANK; TIM STEHR; KERRY**  
19 **SCHILF; JAMIE "J.J." PUGLISI; DAN**  
20 **YADON; KELLY FRANK; PAT LYNCH;**  
21 **MIKE PARRINELLO; AARON KENDRICK;**  
22 **DARIN RYBURN; AND DOES 1**  
23 **THROUGH 100, INCLUSIVE.**

24 **Defendant.**

**PROTECTIVE ORDER RE DISCOVERY**  
**OF PEACE OFFICER PERSONNEL**  
**RECORDS OF OMAR RODRIGUEZ,**  
**CINDY GUILLEN-GOMEZ, STEVE**  
**KARAGIOSIAN, ELFEGO RODRIGUEZ,**  
**AND JAMAL CHILDS**

25 **GOOD CAUSE** having been shown for the discovery of the peace officer  
26 personnel records of Omar Rodriguez, Cindy Guillen-Gomez, Steve Karagiosian, Elfego  
27 Rodriguez, and Jamal Childs:

28 **IT IS HEREBY ORDERED** as follows:

**PROTECTIVE ORDER RE DISCOVERY OF PEACE OFFICER PERSONNEL**  
**RECORDS OF OMAR RODRIGUEZ, CINDY GUILLEN-GOMEZ, STEVE**  
**KARAGIOSIAN, ELFEGO RODRIGUEZ, AND JAMAL CHILDS**

1 The following Protective Order shall govern the use and disclosure of information  
2 (hereafter "CONFIDENTIAL INFORMATION") produced in accordance with the Court's  
3 Order granting discovery of peace officer personnel records of Omar Rodriguez, Cindy  
4 Guillen-Gomez, Steve Karagiosian, Elfego Rodriguez, and Jamal Childs.

5 1. Under no circumstances shall CONFIDENTIAL INFORMATION be used in  
6 any judicial proceeding other than the instant case except by further Order of this Court.

7 2. All originals and copies of CONFIDENTIAL INFORMATION shall be  
8 returned to counsel for the Custodian of Records for the City of Burbank within ten days  
9 after final termination of this case, whether such termination occurs by settlement,  
10 judgment, dismissal, appeal or otherwise.

11 3. With the exception of the defendants and employees of counsel for the  
12 ~~defendants, any person to whom a copy of CONFIDENTIAL INFORMATION has been~~  
13 shown or given is to be identified by name, address and telephone number to counsel  
14 for the Custodian of Records for the City of Burbank within ten days.

15 4. Any person to whom a copy of CONFIDENTIAL INFORMATION has  
16 been shown or given is subject to the terms and conditions of this Protective Order,  
17 including the requirement that the CONFIDENTIAL INFORMATION shall not be used in  
18 any judicial proceeding other than the instant case except by further Order of this Court.

19 5. This Protective Order, and the obligation of all persons hereunder,  
20 including those relating to the disclosure and use of CONFIDENTIAL INFORMATION,  
21 shall survive the termination of this case, whether such termination occurs by  
22 settlement, judgment, dismissal, appeal or otherwise. This Court retains jurisdiction to  
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1 enforce this Order.

2 **IT IS SO ORDERED.**

3

4 Dated: \_\_\_\_\_

5

Hon. Joanne O'Donnell  
Judge of the Los Angeles Superior Court

6

7 I acknowledge receipt of this Protective Order and the Confidential Information  
8 disclosed herewith.

9

10 Dated: \_\_\_\_\_

11

LEONARD BRAZIL

12

13

Dated: \_\_\_\_\_

14

KEVIN GILBERT

15

16

Dated: \_\_\_\_\_

17

LINDA MILLER SAVITT

18

19

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Dated: \_\_\_\_\_

21

MINDY S. NOVICK

22

23

Dated: \_\_\_\_\_

24

MICHAEL STONE

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**PROOF OF SERVICE**  
F.R.C.P. 5 / C.C.P. 1013a(3)/ Rules of Court, Rule 2060

I am a resident of, or employed in the County of Los Angeles, State of California. I am over the age of 18 years old and not a party to the within action. My business address is 275 E. Olive Avenue, Burbank, California 91502.

On July 9, 2009, I served the following listed document(s), **RESPONSE OF THE CUSTODIAN OF RECORDS, BURBANK POLICE DEPARTMENT, TO MOTION FOR PRODUCTION OF PEACE OFFICER PERSONNEL RECORDS; DECLARATION OF CAROL ANN HUMISTON; PROPOSED PROTECTIVE ORDER** by method indicated below, on the parties in this action:

**See Attached Proof of Service**

☐ **BY U.S. MAIL**

By placing ☐ the original / ☐ a true copy thereof enclosed in a sealed envelope(s), with postage prepaid, addressed as per the attached service list, for collection and mailings at the City of Burbank in Burbank, California following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of the document for mailing. Under that practice, the document is deposited with the United States Postal Service on the same day in the ordinary course of business. I am aware that upon motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after date of deposit for mailing contained in this affidavit.

☐ **BY ELECTRONIC SERVICE  
(via electronic filing service provider)**

By electronically transmitting the document(s) listed above to LexisNexis File and Serve, an electronic filing service provider, at [www.fileandserve.lexisnexis.com](http://www.fileandserve.lexisnexis.com) pursuant to the Court's \_\_\_\_\_ Order mandating electronic service. See Cal.R.Ct.R. 2053, 2055, 2060. The transmission was reported as complete and without error.

☒ **BY OVERNIGHT DELIVERY**

By delivering the document(s) listed above in a sealed envelope designated by the express service carrier, with delivery fees paid or provided for, addressed as per the above service list, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the express service carrier to receive documents.

☐ **BY ELECTRONIC SERVICE  
(to individual person)**

By electronically transmitting the document(s) listed above to the email address(es) of the person(s) set forth on the attached service list. The transmission was reported as complete and without error. See Rules of Court, rule 2060.

☐ **BY PERSONAL SERVICE**

☐ By personally delivering the document(s) listed above to the offices at the addressee(s) as shown on the attached service list.  
☐ By placing the document(s) listed above in a sealed envelope(s) and instructing a registered process server to personally deliver the envelope(s) to the offices at the address(es) set forth on the attached service list. The signed proof of service by the registered process server is attached.

☐ **BY FACSIMILE**

By transmitting the document(s) listed above from City of Burbank-City Attorney's Office in Burbank, California to the facsimile machine telephone number(s) set forth on the attached service list. Service by facsimile transmission was made pursuant to agreement of the parties, confirmed in writing.

☒ **STATE**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ **FEDERAL**

I declare under penalty of perjury under the laws of the United States that I am employed in the office of a member of the bar of this court at whose direction the service is made.

Lusine Arutyunyan

Type or Print Name

  
Signature

Omar Rodriguez v. Burbank Police Department et al.  
Service List

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